

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TROVE BRANDS, LLC d/b/a THE BLENDERBOTTLE
CO., ET AL.,

Plaintiffs,

-v-

JIA WEI LIFESTYLE, INC.,

Defendant.

24 Civ. 3050 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court held a telephonic initial pretrial conference on June 18, 2024. The Court there set the following briefing schedule for Defendant's anticipated motion to dismiss:

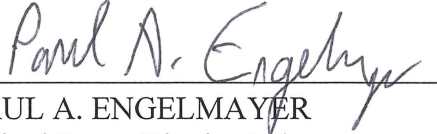
- Defendant's motion to dismiss the Amended Complaint is due July 2, 2024.
- Plaintiff's response in opposition is due July 16, 2024.
- Defendant's reply is due July 23, 2024.

This order also memorializes Plaintiffs' counsel's acknowledgement at the June 18 conference that the amended complaint filed in response to Defendant's first motion to dismiss constitutes Plaintiffs' one opportunity to amend as a matter of course following a Rule 12 motion, pursuant to Federal Rule of Civil Procedure 15(a). *See* Dkts. 32, 37.

Finally, the Court, in a separate order, has approved the parties' proposed Case Management Plan, which puts off the completion of fact discovery until after this Court's issuance of a Claim Construction Order. Because such an order, on the current briefing schedule as contemplated in the Case Management Plan, will not issue for, at minimum, six months, the Court stated at the June 18 conference, and reiterates here, that no extensions to either the briefing schedule or discovery deadlines will be granted in this case absent truly extraordinary

circumstances. As noted at the June 18 conference, the Court expects counsel to litigate this case with a sensitivity to the cost of the litigation relative to the potential recovery.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: June 20, 2024
New York, New York